

United States Court of Appeals
for the First Circuit

Docket No. 04-CR-10336

United States,)
)
 v.) Appellant's Motion to Enlarge
) Time to File Transcript Order
Julio Carrion Santiago)

Now comes the Appellant, through counsel, and requests that the Court enlarge the time for filing the Transcript Order form to January 18, 2008. As more fully set forth on the attached Affidavit of Appellate Counsel, appellate counsel seeks to confer with trial counsel prior to determining which transcripts are necessary on appeal.

Respectfully submitted,

/s/ Janet Hetherwick Pumphrey

Janet Hetherwick Pumphrey
45 Walker Street
Lenox, MA 01240
(413) 637-2777
Court of Appeals Bar No. 38130

January 2, 2008

United States Court of Appeals

for the First Circuit

Docket No. 04-CR-10336

United States,)
)
 v.) Affidavit of Appellate Counsel
)
 Julio Carrion Santiago)

I, Janet Hetherwick Pumphrey, hereby depose and state:

1. I received appointment to represent Julio Carrion Santiago on appeal in the above-referenced matter, and on December 19, 2007, I attempted to telephone trial counsel.
2. Trial counsel is on an extended trip to Florida, and he is returning to his office on January 15, 2008.
3. Neither my message left with his office nor my e-mail were returned.
4. The Transcript Order form is due tomorrow, and I need input from trial counsel prior to requesting the transcripts.
5. I am requesting an enlargement of time to January 15, 2008 to allow me to confer with trial counsel regarding the issues on appeal.

Signed under the pains and penalties of perjury,

/s/ Janet Hetherwick Pumphrey
Janet Hetherwick Pumphrey

United States Court of Appeals

for the First Circuit

Docket No. 04-CR-10336

United States,)
)
 v.) Certificate of
)
 Julio Carrion Santiago)

I, Janet H. Pumphrey, hereby certify that I have on this date forwarded the Appellants' Second Motion for Enlargement of Time to File Brief to the following by first class mail:

Dina Chaitowitz
U.S. Attorney's Office
1 Courthouse Way
U.S. Courthouse, Suite 9200
Boston, MA 02210

/s/ Janet H. Pumphrey

Janet H. Pumphrey
45 Walker Street
Lenox, MA 01240
(413) 637-2777
Court of Appeals Bar No. 38130

Date: January 2, 2008

United States Court of Appeals
for the First Circuit

Docket No. 04-1372

I, Janet H. Pumphrey, hereby depose and state:

1. I was appointed to represent James Holliday in the appeal of the above-captioned matter.
2. The Defendant's brief is currently due on September 15, 2005.
3. As soon as I received transcripts of this trial, I forwarded a copy to the Defendant. However, the federal penitentiary at Leavenworth has refused to give my client his transcripts.
4. He filed a *pro se* motion requesting that the Court order the prison to give him his transcripts, which motion was denied without prejudice.
5. On behalf of Mr. Holliday, I re-filed the motion requesting an order from this Court that the prison give him his transcripts. As of this date, that motion has not been acted on.
6. Mr. Holliday has been very active with the defense of this case. I speak with him on the telephone regularly, and this morning, he told me how very imperative it is that he have access to his transcripts so that he can fully understand the arguments that I have made in his brief.
7. I am requesting this additional three weeks of time to file his brief so that the Court will have the opportunity to act on my motion requesting that the prison be ordered to tender the transcripts to Mr. Holliday and, then, so that he will have plenty of time to review the transcripts with the brief before it is filed.

Signed under pains and penalties of perjury,

/s/ Janet H. Pumphrey
Janet H. Pumphrey